

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

JENS H.S. NYGAARD,

Plaintiff,

v.

FÉDÉRATION INTERNATIONALE DE
L'AUTOMOBILE, FORMULA ONE
MANAGEMENT LTD., FORMULA ONE
WORLD CHAMPIONSHIP, MERCEDES-
BENZ GRAND PRIX LTD., DAIMLER AG,
LEWIS HAMILTON, RED BULL
TECHNOLOGY LTD., RED BULL RACING
LTD., FERRARI S.P.A., CHARLES LECLERC,
and DALLARA AUTOMOBILI S.P.A.,

Defendants.

Case No. 6:20-cv-00234-ADA

JURY TRIAL REQUESTED

**JOINT MOTION BY NYGAARD AND RED BULL TO ENTER STIPULATION
REGARDING TRIAL**

Plaintiff Jens Nygaard (“Plaintiff”) and defendants Red Bull Technology Ltd. and Red Bull Racing Ltd. (collectively “Red Bull”) hereby agree and stipulate as follows:

1. All of Nygaard’s claims against Red Bull and all of Red Bull’s defenses to Nygaard’s claims are severed for a separate pre-trial conference and a separate trial from all of Nygaard’s claims against defendants Fédération Internationale de l’Automobile (“FIA”), Formula One Management Ltd. and Formula One World Championship (collectively “F1”) and all of FIA’s and F1’s defenses to Nygaard’s claims.

2. The separate pre-trial conference and trial between Nygaard and Red Bull will occur after a final judgment or dismissal is filed that resolves all of Nygaard’s claims against FIA and F1 after the separate trial among Nygaard and FIA and F1.

3. Nygaard and Red Bull will agree upon a separate schedule for the exchange and submission of pre-trial disclosures, motions *in limine*, and their pre-trial order in advance of the separate pre-trial conference for the separate trial between Nygaard and Red Bull.

4. Red Bull will not be bound or precluded by any **“FIA/F1 Findings”** defined as: any rulings, orders, opinions, decisions, conclusions, findings, verdicts and judgments by the Court or the jury, and any arguments, statements, admissions and/or stipulations by Nygaard, FIA and/or F1, regarding any of Nygaard’s claims against FIA and/or F1 or any of FIA and/or F1’s defenses to Nygaard’s claims, whether made before, during or after the separate pre-trial conference or the separate trial among Nygaard and FIA and F1. By way of example only, Red Bull will not be bound or precluded by any **FIA/F1 Finding** that the accused Halo infringed any asserted claim of the ’178 patent, that any Formula One team including Red Bull Racing infringed any asserted claim of the ’178 patent, that any asserted claim of the ’178 patent is not invalid, or that Nygaard should recover damages from FIA or F1 for any infringement.

5. Paragraph 4 above shall not apply to any **FIA/F1 Finding** for which Red Bull participated in the submissions to the Court that led to the **FIA/F1 Finding** by, for example, joining a joint motion or joint opposition filed by Red Bull, FIA and F1.

6. This stipulation shall have no effect on whether and, if so, to what extent Nygaard will or will not be bound or precluded by any **FIA/F1 Findings**, which will instead be determined in accordance with any applicable preclusion doctrines, including for example law of the case, issue preclusion, collateral estoppel, claim preclusion, res judicata, and judicial estoppel.

The movants respectfully request that the Court Order that the stipulation be entered as above.

Dated: April 18, 2022

Respectfully submitted,

By: /s/ Daron R. Dacus
Deron R. Dacus
State Bar No. 00790553
THE DACUS FIRM, P.C.
821 ESE Loop 323, Suite 430
Tyler, TX 75701
Phone: (903) 705-1117
Fax: (903) 581-2543
ddacus@dacusfirm.com

/s/ Edgar H. Haug
Edgar H. Haug (pro hac vice)
Mark A. Chapman (pro hac vice)
Jason Kanter (pro hac vice)
Roman Khasidov (pro hac vice)
HAUG PARTNERS LLP
745 Fifth Avenue, 10th Floor
New York, New York 10151
Phone: (212) 588-0800
Fax: (212) 588-0500

*Counsel for Defendants Red Bull Racing
Ltd. and Red Bull Technology Ltd.*

By: /s/ Danielle J. Healey

Danielle J. Healey

Attorney in Charge

Texas Bar No. 09327980

healey@fr.com

Brian G. Strand

Texas Bar No. 24081166

strand@fr.com

Bailey Benedict

Texas Bar No. 24083139

benedict@fr.com

Jacqueline T. Moran (*pro hac vice*)

Texas Bar No. 24121740

jtmoran@fr.com

FISH & RICHARDSON P.C.

1221 McKinney Street, Suite 2800

Houston, Texas 77010

Telephone: (713) 654-5300

Facsimile: (713) 652-0109

Tommy Jacks

Texas Bar No. 10452000

jacks@fr.com

FISH & RICHARDSON P.C.

111 Congress Avenue, Suite 810

Austin, Texas 78701

Telephone: (512) 472-5070

Facsimile: (512) 320-8935

Ahmed J. Davis (*pro hac vice*)

Washington D.C. Bar No. 472321

adavis@fr.com

FISH & RICHARDSON P.C.

1000 Maine Ave SW

Washington, D.C. 20024

Telephone: (202) 783-5070

Facsimile: (202) 783-2331

Counsel for Plaintiff Jens H.S. Nygaard